



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,391	02/05/2002	Elizabeth Anne Earley	13DV-14119	4892

7590 05/16/2008
John S. Beulick
Armstrong Teasdale LLP
One Metropolitan Sq., Suite 2600
St. Louis, MO 63102

EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
----------	--------------

2166

MAIL DATE	DELIVERY MODE
-----------	---------------

05/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/072,391	Applicant(s) EARLEY ET AL.	
	Examiner ISAAC M. WOO	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-13 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) 39-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Amendments, filed on April 15, 2008 have been considered but are deemed moot in view of new ground of rejections below.

2. Claim 1 is amended. Claims 2, 7 and 14-38 are canceled. Claims 39-46 are withdrawn. Claims 1, 3-6 and 8-13 are presented for this office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-6 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lajouanie (U.S. Pub. No. 2002/0178035).

5. With respect to claim 1, Lajouanie teaches storing pre-defined users based on a business metric at the database (fig. 2, fig. 3, fig. 7, page 2, sections 0027-0029, page 3, sections 0034-0037); receiving operating and financial data for a business (page 5,

sections 0048-0050); processing the data to generate business metrics (page 5, sections 0048-0050, page 3, sections 0034-0037, fig. 7); comparing the business metrics to pre-defined parameters (page 5, sections 0048-0050, page 3, sections 0034-0037, fig. 7); notifying pre-defined users when a pre-determined threshold regarding a respective business metric is satisfied (page 4, sections 0037-0040); and displaying a status of the business metrics using a plurality of gauges for visually indicating a status of a respective business metric (fig. 4, fig. 5, page 3, sections 0030-0033).

With respect to claim 3, Lajouanie teaches displaying at least one gauge which visually indicates the position of a switch between an "ON" position and an "OFF" position (fig. 4, fig. 5, page 3, sections 0030-0033).

With respect to claim 4, Lajouanie teaches displaying business data associated with each business metric (page 5, sections 0048-0050, page 3, sections 0034-0037, fig. 7).

With respect to claim 5, Lajouanie teaches linking business data used in determining a status of each respective metric to each business metric (page 5, sections 0048-0050, page 3, sections 0034-0037, fig. 7).

With respect to claim 6, Lajouanie teaches displaying inking business data to each respective visual display (page 5, sections 0048-0050, page 3, sections 0034-0037, fig. 7).

With respect to claim 8, Lajouanie teaches defining the pre-determined thresholds that trigger the notifications metric (fig. 4, fig. 5, page 3, sections 0030-0033).

With respect to claim 9, Lajouanie teaches defining which users receive the notifications when a pre-determined thresholds is satisfied metric (fig. 4, fig. 5, page 3, sections 0030-0033).

With respect to claim 10, Lajouanie teaches coupling a message center to the server metric (fig. 4, fig. 5, page 3, sections 0030-0033).

With respect to claim 11, Lajouanie teaches receiving user inquiries regarding the business metric associated with the message center (fig. 2, fig. 3, fig. 7, page 2, sections 0027-0029, page 3, sections 0034-0037).

With respect to claim 12, Lajouanie teaches receiving user input regarding the business metric associated with the message center (fig. 2, fig. 3, fig. 7, page 2, sections 0027-0029, page 3, sections 0034-0037).

With respect to claim 13, Lajouanie teaches restricting access to the server system (page 1, section 0009).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC M. WOO whose telephone number is (571)272-4043. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac M. Woo/
Primary Examiner, Art Unit 2166